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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,279	10/30/2006	Prasanta Halder	016906-0437	4027
22428 7590 11/23/2010 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER				
FORD, JOHN K				
ART UNIT		PAPER NUMBER		
3784				
MAIL DATE		DELIVERY MODE		
11/23/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

The reply filed on 30 August 2010 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

1. The examiner asked a series of very specific questions in the 35 USC 112, first paragraph, rejection and applicant has not answered them. The first three questions, for example, were intended to elicit some common ground of agreement (or disagreement) between the examiner and applicants. The other questions get progressively more detailed about what the examiner cannot understand. Instead of answering those questions counsel reproduces large portions of the original specification (the very thing that spawned the examiner's questions and confusion in the first place). Answer the questions as they were asked so that the examiner can intelligently address where the examiner and applicant disagree about the 35 USC 112, first paragraph, rejection.

Without answering the examiner's questions as they were posed, it is impossible for the examiner to understand what applicants and the examiner agree/disagree on. This problem is made even more important by the fact that the new drawing Figure 2 (which the examiner had hoped might be more detailed and hence answer at least some of the examiner's questions) does not contain any specific details of how the flows through ports 61, 42, 22, 44, 24 and perhaps another discharge port not shown (in "region 5b"?) and another, not shown, collecting and distributing means ("collecting and distributing means 47"?) are internally connected or not connected to one another within the heat exchanger itself. The examiner would like to believe that applicants know how their own system of passageways and conduits is fluidly connected within the heat

exchanger itself (even if the original disclosure is ambiguous) and US counsel would be well advised to consult with the inventors about this issue so that the answers to the examiner's questions will be the correct ones.

Finally, applicant has amended the claims to contain a limitation that "three liquid streams run essentially separately from one another within the heating means." It is therefore imperative that the examiner understand how the fluids are disclosed to flow within the heat exchanger (to properly evaluate this new claim limitation) and applicant has not explained this because applicant has not addressed the examiner's specific questions.

2. Applicant was requested to provide a translation or paraphrase in English of the examination reports one from the EPO (stamped Eingang 30 Okt. 2009) and one from the JPO (stamped Eingang 30 Sep. 2009). Applicant's assertions that the examiner has "already considered" these documents is erroneous to the extent that it implies that the examiner can read German or Japanese and hence understand their content. These are not long documents and applicant has no doubt already familiar with their content. A short paraphrase would be sufficient. Attorneys at Foley and Lardner have procured such brief translations in the past and it is not understood why the same is not being done here. Please reconsider this issue and provide some sort of translation/paraphrase, given that the allegation in the 30 August 2010 response that the issue is "moot" is false.

37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this

notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Ford whose telephone number is 571-272-4911. The examiner can normally be reached on Mon.-Fri. 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John K. Ford/
Primary Examiner, Art Unit 3784